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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,065	03/14/2000	Hiroyoshi Yoshida	35.C14351	7626

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EXAMINER	
NARAYANASWAMY, SINDYA	
ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/525,065	YOSHIDA, HIROYOSHI	
	Examiner	Art Unit	
	Sindya Narayanaswamy	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 June 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1, 3-7, 9-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-7 and 9-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. Claims 1 – 7 and 9-13 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5, and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Giltner et al, US-4,386,416.

4. As per claim 1, Giltner et al. teach the invention as claimed including a data transmission apparatus comprising:

an input unit, arranged to input data (compression unit) (Abstract, line 4);

a transmission unit, arranged to transmit the data inputted by said input unit to a destination (compression unit) (Abstract line 4);

a discrimination unit, arranged to discriminate an attribute of the an attribute of the data inputted by the input unit (136, Fig. 3);

a storage unit, arranged to store the data inputted by the input unit to a predetermined memory (col. 1, lines 13-15); and

a control unit, arranged to control a transmission operation of the transmission unit in accordance with a discrimination result obtained by the discrimination unit, wherein the control unit controls such that the transmission unit transmits the data inputted by the input unit to the destination, or such that the transmission unit transmits information indicating a storage location used by the storage unit to the destination, in accordance with the discrimination result obtained by the discrimination unit (Abstract, lines 14-21, col. 1, lines 13-15).

5. As per claim 5, Giltner et al teach a data transmission apparatus comprising:

an input unit, arranged to input data (compression unit) (Abstract, line 4);

a transmission unit, arranged to transmit the data inputted by the input unit to a destination (compression unit) (Abstract line 4);

a discrimination unit, arranged to discriminate a characteristic of the destination (col. 17, lines 13-18) and

a storage unit, arranged to store the data inputted by the input unit to a predetermined memory (col. 1, lines 5-17)

a control unit arranged to control a transmission operation of the transmission unit in accordance with a discrimination result obtained by the discrimination unit,

wherein the control unit controls the transmission unit such that the transmission unit transmits the data inputted by the input unit to the destination, or such that the transmission unit transmits information indicating a storage location used by the storage unit to the destination, in accordance with the discrimination result obtained by the

discrimination unit (Abstract, lines 14-21, col. 1, lines 13-15; 152, Fig. 3; col. 7, lines 15-36).

6. As per claims 10 and 12, they are the method and computer-readable program claims of claim 1; therefore they are rejected on the same basis as claim 1.

7. As per claims 11 and 13, they are the method and computer-readable program claims of claim 5; therefore they are rejected on the same basis as claim 5.

8. Claims 1, 4, 10, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Maki, US-5,774,654.

9. As per claim 1, Maki teaches the invention as claimed including a data transmission apparatus comprising (Fig. 1; col 1, lines 65-67; col. 2, lines 30-44):

input means for inputting data (9, Fig. 1; col. 1, lines 30-44);

transmission means for transmitting the data input by said input means (S14, S15, Fig. 2; col 2., lines 1-4; col. 3, lines 21-29);

discrimination means for discriminating an attribute of the data input by said input means (col. 1, lines 37-43);

and control means for controlling a transmission operation by said transmission means in accordance with a discrimination result by said discrimination means, wherein said control means controls a transmission route of the data input by said input means in accordance with the discrimination result by said discrimination means (col. 1, lines 32-57).

10. As per claim 4, Maki teaches the discrimination means discriminates a data amount of the data input by said input means (Fig. 5; col. 4, lines 40-50).

11. As per claim 10, it is the method claim of claim 1 and it is rejected on the same basis as claim 1.

12. As per claim 12, it is the computer-readable program claim of claim 1, and it is rejected on the same basis as claim 1.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 5, 11 and 13 are rejected under 35 U.S.C 103(a) as being unpatentable over Maki, US-5,774,654.

3. As per claim 5, Maki teaches a data transmission apparatus comprising (Fig. 1; col. 1, lines 65-67; col. 2, lines 30-44):

input means for inputting data (9, Fig. 1; col. 1, lines 30-44);

transmission means for transmitting the data input by said input means to a destination (S14, S15, Fig. 2; col 2., lines 1-4; col. 3, lines 21-29);

Discrimination means (col. 1, lines 37-43); and control means for controlling a transmission operation by said transmission means in accordance with a discrimination result by said discrimination means wherein said control means controls a transmission route of the data input by said input means in accordance with the discrimination result by said discrimination means (col. 1, lines 32-57).

4. Maki does not specifically that the discrimination means is for discriminating the destination. However, Maki discloses that his system will determine the number of channels used for data communication based on the type of data (col. 3, lines 18-20) it would have been obvious to one skilled in the art at the time the invention was made to incorporate the destination in Maki's system because it would have improved the optimal performance of Maki's destination in receiving the data. One skilled in the art would have been motivated to do so in order to improve the performance of Maki's system (col. 1, lines 20-25).

5. As per claims 11 and 13, they are the method and computer readable program claims of claim 5; therefore they are rejected on the same basis as claim 5.

6. Claims 3, 6, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maki, US-5,774,654, in view of Birrell et al, US-5,774,654.

7. As per claim 3, Maki teaches the limitations of claim 1 but does not teach an apparatus in which the transmission unit transmits the information indicating the storage location, where the transmission unit transmits a message indicative of an access manner of the data stored by the storage unit to the destination. Birrell et al teach an apparatus wherein in a case in which the transmission unit transmits the information indicating the storage location, the transmission unit transmits a message indicative of an access manner of the data stored by the storage unit to the destination (col. 13; lines 1-7; col. 1, lines 5-17).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Maki and Birrell et al because Birrell's system of indicating the storage location of data allows for the receiver to access data that could not be otherwise viewed by placing it in an alternate location. One of ordinary skill in the art at the time of the invention would have been motivated to do so in order to improve the quality of the transmission system.

8. As per claim 6, Maki does not teach a system wherein discrimination means discriminates a connecting a format to the destination. However, Birrell et al teach a system wherein discrimination means discriminates (filtered and controlled) a connecting format to the destination (col. 5, lines 63-67; col. 6, lines 18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Maki and Birrell et al because Birrell's system of incorporating a

discriminating means allows for improved format selection for transmission purposes. One of ordinary skill in the art at the time of the invention would have been motivated to do so in order to improve the quality of the transmission system.

9. As per claim 7, Maki and Birrell et al do not teach an apparatus wherein said discrimination means discriminates a processing ability of a device of the destination. However, Birrell et al disclosed that the system can be configured to "hold-back" large embedded components and replace them with hot-links. It would have been obvious to one of ordinary skill in the art to configure the system to "hold-back" when it is required. One of ordinary skill in the art would have been motivated to do so because it would minimize an unnecessary amount of network traffic and thus improve user interactions. One of ordinary skill in the art at the time of the invention would have been motivated to do so in order to improve the quality of the transmission system.

10. As per claim 9, it is rejected on the same basis as claims 3 and 5.

Response To Argument

11. In the remarks, applicant has argued in substance that:

(1) Nothing has been found in either Giltner et al. or Maki that is believed to teach or suggest a data transmission apparatus that includes "a control unit, arranged to control a transmission operation of the transmission unit in accordance with a discrimination result obtained by the discrimination unit," wherein "the control unit controls such that the

transmission unit transmits the data inputted by the input unit to the destination, or such that the transmission unit transmits the data inputted by the input unit to the destination, or such that the transmission unit transmits information indicating a storage location used in the storage unit to the destination, in accordance with the discrimination result obtained by the discrimination unit."

12. Examiner respectfully disagrees with Applicant's arguments and resubmits that:

As to point (1), Giltner et al. does teach a data transmission apparatus (Abstract, line 4, *compression unit*) that includes a "a control unit, arranged to control a transmission operation of the transmission unit in accordance with a discrimination result obtained by the discrimination unit (Abstract, lines 4-7)," because Giltner et al. teach a system that *discriminately* transmits characters (Abstract, lines 15-16). Giltner et al. also teach that the control unit controls (*i.e. if desired*) such that the transmission unit transmits the data inputted by the input unit to the destination, in col. 1, lines 6-17, where a destination is considered to be a remote system.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sindya Narayanaswamy whose telephone number 703–305-8473. The examiner can normally be reached on 8 am to 5 pm, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703.308.0640. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 305-5404 for regular communications and (703) 305-5404 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

August 28, 2003

Sindya Narayanaswamy

Kristine Kincaid

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